CHOOK

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 4024 OF 2003

BETWEEN

Chedi Lal Baghel aged about 63 years S/o Late Shri Indal Lal Baghel, Retired Labour Mate/Gangman, Public Works Department Bemetara, District Durg, resident of Village Pikari, Post Office and Tehsil Bemetara, District Durg (CG).

PETITIONER

A N D

1. The State of Chhattisgarh, Through the Principal Secretary, Public Works Department, Mantralay, D.K.S.Building, Raipur, Tehsil and District Raipur (CG).

2. The Chief Engineer, Public Works Department, Raipur, Tehsil and District Raipur (CG).

3. The Superintending Engineer, Public Works Department, Durg, Tehsil and District Durg (CG).

4. The Executive Engineer, Public Works Department, Bemetara District Durg (CG).

5. The Sub Divisional Officer, Public Works Department, Sub Division Bemetara District Durg (CG).

6. The Joint Director, Treasury, Accounts and Pension, Raipur, Tehsil and District Raipur (CG).

P. R. No. 3282/03 Presented by Shri Rakesh Pathak Dated 03.12.03

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

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(54)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 4024 of 2003

Petitioner — Chedi Lal Baghel

Versus

Respondents — The State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Rakesh Anthony, Advocate for the petitioner.

Shri Vinay Pandey, Panel Lawyer for the respondents.

ORDER

(Passed on this 28th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. Admittedly, the petitioner was engaged as Mate in permanent Gang at Bemetera – Nawagarh Road in November, 1962 (Annexure P/1) on daily wages basis. Thereafter, vide order dated 6.7.1998 (Annexure P/2) the services of the petitioner was regularized as per the provisions of the Work Charged and Contingency Paid Employees Service Conditions Rules, 1975 w.e.f. 1.1.1996. The petitioner was paid salary on monthly basis in the pay scale of Rs. 775 - 1036. On attaining the age of superannuation i.e. 62 years, the petitioner was retired w.e.f. 31.12.2002.
2. Learned counsel for the petitioner submits that the petitioner has not been paid pension and other benefits i.e. gratuity, arrears of annual increments and leave encashment.
3. With regard to the claim of the petitioner for payment of pension, learned counsel for the petitioner cited a decision of this Court dated 28th August, 2006 passed in W.P.No. 4135/2004 (M.A.Hakim Vs. State of Madhya Pradesh (Now C.G.) and others), and submits that the facts and question of law involved in the present petition is identical to that of in W.P.No. 4135/2004. Learned counsel

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appearing for the respondents/State concedes and agree with the submission made by learned counsel for the petitioner.

4. Learned counsel for the petitioner further submits that for remaining prayer of other benefits, liberty be granted to the petitioner to make a representation to the concerned authority and the concerned authority may be directed to decide the same in accordance with law within a stipulated period.

5. In view of the above, this petition deserves to be and is allowed in terms of the order dated 28th August, 2006 passed in W.P.No. 4135/2004, with the liberty aforestated.

6. It is directed that the admissible pension shall be released within a period of two months from today as the petitioner has retired long back from service on 31.12.2002. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur